

1 initial STA request on 4-21?

2 A John Vu said he could grant it, but he would not
3 grant new tower construction; that those were not the rules.

4 Q And you did not agree -- did you agree with Mr.
5 Vu's assessment?

6 A I very vociferously disagreed with Mr. Vu.

7 Q And, in fact, you attempted to demonstrate other
8 cases where STAs had been granted?

9 A Indeed, I did.

10 Q And you tried to persuade him that your case was
11 identical to those cases?

12 A Absolutely.

13 Q And you tried to persuade him that an STA in this
14 case could be granted that would permit you to construct a
15 new tower?

16 A Yes, sir.

17 Q But he remained adamant that that -- that that was
18 not the case?

19 A He remained adamant about that.

20 The only way you could build -- the only way you
21 could do an STA was to -- was to utilize an existing tower.

22 Q Okay. And whether or not you agreed with that
23 policy, you understood that to be the staff position?

24 A I understood that to be Mr. Vu's position.

25 Q Did you attempt to clarify Mr. Vu's position

1 elsewhere?

2 A I talked with a number of people regarding Mr.
3 Vu's position.

4 Q And you were not successful -- were you successful
5 in convincing anybody that Mr. Vu's position was wrong?

6 A Everyone in the industry with whom I spoke stated
7 Mr. Vu did not understand the rules.

8 Q Did you -- did you attempt to discuss this with
9 anybody, other FCC personnel?

10 A No, I did not.

11 Q And, in fact, you thought Mr. Vu was wrong?

12 A Yes, sir, I did. I still do.

13 Q Yet you challenge that nowhere?

14 A I made another decision.

15 Q And that decision was?

16 A To build a tower.

17 Q So you understood the policy, . but rather than
18 challenge the policy you chose to ignore the policy?

19 A Time was my enemy.

20 MR. ARONOWITZ: Strike that. I will ask that that
21 be stricken, or I ask that it be stricken.

22 JUDGE CHACHKIN: That answer will be stricken.

23 BY MR. ARONOWITZ:

24 Q You did not challenge the policy, you proceeded to
25 go ahead in contravention of the policy you understood Mr.

1 Vu to have?

2 A Mr. Vu told me implicitly if there is a tower
3 there, I will grant the STA. I cannot grant you permission
4 to build a new tower.

5 Q Mr. Werlinger, Mr. Werlinger, I'm going to ask you
6 to turn to page 14 of Mass Media Bureau Exhibit 5, and the
7 very last paragraph on that page you state, and I'll -- go
8 ahead and read it, and I'm going to ask you about one
9 sentence in specific. "It was only after very careful
10 consideration that Mr. Werlinger made the decision to
11 disregard Mr. Vu's order."

12 A Well, it wasn't an order. It was a statement.

13 Q The policy as you understood it to be?

14 A That's correct.

15 Q So instead of challenging it anywhere within the
16 Commission, you decided to disobey it; is that correct?

17 A I decided that there was -- that inasmuch as there
18 were no rules stating that a tower could not be built --

19 Q Excuse me, Mr. Werlinger. That's not responsive
20 to my question.

21 Mr. Vu explained to you a policy; is that correct?

22 A As he understood it.

23 Q He explained to you a policy?

24 A As he understood it.

25 Q And you understood that policy? You didn't agree

1 with it, but you understood it?

2 A I understood that he was mistaken.

3 Q So you understood the policy?

4 A I understood his -- I understood what he believed
5 the policy to be.

6 Q Correct. And you didn't agree with it?

7 A I did not.

8 Q And rather than challenge it you just disobeyed
9 it?

10 A I worked around it.

11 Q Did you -- did you -- do you believe that you
12 complied with the policy that Mr. Vu explained to you?

13 A Yes, sir.

14 Q You do?

15 A Absolutely.

16 Q Okay. I will return to that.

17 You did not agree with Mr. Vu's -- you disagreed
18 with him and you tried to convince him that he was in error,
19 and you were not successful?

20 A Yes, sir.

21 Q You understood what he told you to do or what he
22 wanted or didn't want?

23 A What he said was, "If there is an existing tower
24 there, I can grant the STA."

25 Q Did he tell you that he would not grant the STA if

1 there was no existing tower?

2 A He told me he could not grant authority to
3 construct a tower.

4 Q Okay. And you tried to persuade him that your
5 case, your STA request was similar to others that had
6 happened?

7 A Absolutely. Pointed it out to him.

8 Q And he didn't buy it?

9 A Yes, sir, I did, and he did not.

10 Q And you didn't challenge it any further than -- in
11 fact, you tried, as you said, you tried to work around it.
12 You tried to demonstrate compliance with the policy that Mr.
13 Vu explained to you?

14 A I did demonstrate compliance with the policy.

15 Q So whether you agreed with it or not, you were
16 trying to comply with the policy --

17 A As he stated it.

18 Q -- as he stated it?

19 A Even though he was wrong.

20 Q You said you were -- on Exhibit 1, paragraph 32,
21 which will be on page --

22 JUDGE CHACHKIN: Now we're talking about Mr.
23 Werlinger's exhibit?

24 MR. ARONOWITZ: Correct. It will be Chameleon
25 Exhibit 1, paragraph 32.

1 JUDGE CHACHKIN: All right.

2 BY MR. ARONOWITZ:

3 Q And the third sentence reads, "Chameleon was
4 instrumental in making arrangements for construction of 100
5 foot tower," and then it goes on.

6 Do you see that in that paragraph that --

7 A No, sir. I'm still trying to find -- okay.

8 Yes, sir.

9 Q In fact, you said you were instrumental in
10 construction of the tower. You stated -- you stated that
11 you did not provide funds for the construction of that
12 tower; is that correct?

13 A That's correct, but I also made it clear that the
14 people who constructed the tower were holding funds that I
15 had paid them on another project.

16 Q And that is in Footnote 1 --

17 A Yes, sir.

18 Q -- right there?

19 Did you disclose -- did you disclose Chameleon's
20 role in the construction of the tower in the 5-2-95 STA
21 request?

22 A I did not.

23 Q Did you disclose in the response to the letter of
24 inquiry, and I will find it, did you state that you also did
25 not provide funds for the construction of that tower?

1 A I don't recall.

2 Q We'll find it. That's the August 4 -- that would
3 be in Mass Media Bureau Exhibit 5. That would be Mass Media
4 Bureau, page 9.

5 JUDGE CHACHKIN: Exhibit 5, page 9?

6 MR. ARONOWITZ: Mass Media Bureau Exhibit 5, page
7 9.

8 BY MR. ARONOWITZ:

9 Q This is the response, Chameleon's response to the
10 Commission's letter of inquiry, and I'm looking at the
11 paragraph that begins, "On Saturday, April 29," and I'm
12 looking about one, two, three, four, five, five lines down
13 where it says, "No funds were passed from Chameleon or any
14 principal in Chameleon toward the construction of the
15 tower."

16 A That is correct.

17 Q There is nothing stated here with respect to the
18 forgiveness of indebtedness.

19 A That's correct.

20 Q And the first time we become aware of this is
21 really Chameleon's Exhibit 1, which was prepared in
22 December. It's the first time you are disclosing that it
23 was a forgiveness of debt.

24 A Well, in fact, I later paid him for the tower, and
25 he did the job that he had previously been paid for.

1 Q So you did pay for the tower?

2 A Later, after it was constructed, yes. After we
3 had been on the air for months, I bought the tower from him.

4 Q So you own the tower now?

5 A Yes, I do. It's mine. Chameleon Radio's.

6 At the time -- at the time he got no money from
7 me.

8 Q Well, but nevertheless --

9 A He was holding funds.

10 Q -- he was -- he did receive forgiveness of debt
11 which he used to construct the tower. Is that how I read
12 Footnote 1?

13 A Well, what happened -- what happened was I called
14 the man and said, "Look, this situation exists where the
15 tower needs -- I need a tower constructed."

16 Q You need an existing tower constructed?

17 A Well, I mean --

18 Q To comply with policy.

19 A Exactly. A tower needs to be constructed for me
20 to comply with this policy.

21 Q So, in fact, when you say you were instrumental,
22 but for you this tower would not have been constructed, it
23 would not have been constructed?

24 A I have made no attempt to hide that fact.

25 Q Did you disclose that in the 5-2-95 amendment to

1 the STA, that the existing tower was a tower you were
2 constructing?

3 A Had constructed.

4 Q Had constructed. And I'm not sure about that, and
5 I will reserve -- we will get to whether it existed or
6 whether it was constructed on that in a minute. But I want
7 to just focus on what was disclosed in the STA application.

8 On May 2, '95, when you filed the STA --

9 A I did not.

10 Q --- none of this was disclosed?

11 A No.

12 Q Did you feel that your being instrumental in the
13 construction of this tower violated the policy that Mr. Vu
14 explained to you, regardless of whether you agreed with it
15 or not?

16 A No.

17 Q So that if the --

18 A I had every right in the world to construct it as
19 long as I had FAA authority. I had ever right in the world
20 to construct a tower period.

21 Now, if subsequent to the construction of that
22 tower an STA was granted to construct on that tower, a
23 folded unipole antenna, and then use that for broadcast
24 based upon that STA authority, so be it. That was -- that
25 was the policy as Mr. Vu understood it.

1 MR. ARONOWITZ: I move to strike that.

2 JUDGE CHACHKIN: All right, it will be stricken.

3 BY MR. ARONOWITZ:

4 Q But as you understood Mr. Vu's policy, as you
5 understood the policy, you were not to construct a tower for
6 the purpose of this STA; is that correct? Whether you
7 agreed with that or not, is that the policy you understood?

8 A Mr. Vu stated that he could not grant the
9 construction of a tower for STA; that the STA must be
10 granted for an existing tower.

11 Q So --

12 A So I made the tower exist.

13 Q Okay. Did you understand that to be a violation
14 of the policy that Mr. Vu explained to you?

15 A No, sir. It was not.

16 Q Had you disclosed the fact that Chameleon was
17 instrumental --

18 A The question wasn't asked.

19 Q Had you disclosed it, do you believe that that
20 would have violated Mr. Vu's -- the policy Mr. Vu explained
21 to you regardless of whether you agreed or disagreed with
22 that policy?

23 A No, sir, I don't. The tower --

24 Q Could you explain to me how --

25 JUDGE CHACHKIN: Wait. Go ahead, finish your

1 answer.

2 THE WITNESS: Until the installation of a ground
3 system, until the installation of a folded unipole antenna
4 on that tower, it had no broadcast purpose. It was just a
5 tower. Anybody can build a tower. And the Commission
6 doesn't have -- the Commission doesn't have to say, John
7 Doe, who wishes to construct a 180-foot tower in Stafford,
8 Texas, can or can't do. As long as the FAA has given
9 approval, and in this case it had --

10 BY MR. ARONOWITZ:

11 Q That might be true for purposes of building a
12 tower, but what we're talking about here is acquiring an
13 STA.

14 A The STA had not been granted, sit.

15 Q And Mr. Vu explained to you the policy that you
16 could not construct a tower for purpose of locating KFCC's
17 transmitter on that tower with an STA; is that correct?

18 A That Mr. Vu said was, "I cannot authorize
19 construction of a new tower for STA."

20 JUDGE CHACHKIN: And did Mr. Vu tell you why?

21 THE WITNESS: No, sir. He could not.

22 JUDGE CHACHKIN: And you didn't know why? As an
23 engineer, you didn't know why you could not construct -- you
24 could not build a new tower when you are just asking for an
25 STA, which is temporary authority?

1 THE WITNESS: In point of fact, Your Honor, it
2 flies in the face of logic.

3 JUDGE CHACHKIN: No. Doesn't it assume that the
4 STA is only for a temporary purpose, which is at variance
5 with your authorized facilities?

6 THE WITNESS: Yes, sir.

7 JUDGE CHACHKIN: With your intent to go back to
8 your authorized facilities when you are able to? Isn't that
9 the purpose of an STA?

10 THE WITNESS: No, sir, not necessarily.

11 JUDGE CHACHKIN: It isn't the purpose of an STA?

12 THE WITNESS: I've lost my site. Well, in fact,
13 KVCJ used this -- used this very thing last year when they
14 said, "Okay, now the tower is dismantled and the land is
15 sold. We can't go back."

16 MR. ARONOWITZ: Well, wait, Mr. Werlinger. I'm
17 going to object to that because that is not --

18 THE WITNESS: But it happens all the time, Your
19 Honor.

20 JUDGE CHACHKIN: Well, it certainly is in
21 violation of the policy if it happens, as the rule reads.

22 THE WITNESS: It happens all the time. It's
23 routine. That's the crux of this whole thing. That's the
24 crux of this whole thing.

25 //

1 BY MR. ARONOWITZ:

2 Q At the time the KVCJ STA was filed they had not
3 lost their site. In fact, the Commission went back and
4 rescinded the grant of that STA when it became apparent they
5 didn't lose their site. It was later, if I'm understanding
6 your testimony correctly, it was later reinstated when they
7 did lose their site. But at the time that KVCJ STA was
8 filed they didn't lose the site. That's what you said
9 earlier.

10 A That's what that letter -- well, yes. Well, they
11 had lost the site as a result of a contractual agreement.

12 Q Some time later; not at the time it was filed.
13 You testified earlier at the time it was filed it was not a
14 lost site.

15 A It was lost, it was lost, Mr. Aronowitz, to the
16 extent that they had not purchased use of that site when
17 they bought the radio station. It was their intent to
18 relocate that radio station to another distant community of
19 license.

20 Q Mr. Werlinger, I'm going to ask you again because
21 now I'm confused. Actually, I'm not. You testified earlier
22 KVCJ STA when it was filed did not reference a lost site.

23 A Did not.

24 Q In fact, when it was filed there was not a lost
25 site. That's what you said earlier.

1 A In fact, there was a lost site, but only
2 contractually. They had not bought use of -- they did not
3 buy use of that site, Mr. Aronowitz, when they bought that
4 radio station. It belonged to the --

5 Q But that wasn't disclosed to the Commission, was
6 it?

7 A -- man who owned the co-located FM.

8 Q Was that disclosed to the Commission,

9 A I didn't know.

10 Q -- that the site was lost and that the site was --
11 that either the site was lost or the site was lost due to
12 contractual provisions?

13 A I did not -- I didn't do that, no.

14 Q And, in fact, some time later the Commission
15 rescinded that when it appeared to them that the site was
16 not lost, correct?

17 A And then reinstated it to that yet distant
18 community later.

19 Q That was some time later, but that was not at the
20 time of the --

21 A But the prima facia fact, Mr. Aronowitz, is that
22 when they reinstated that STA to Canton, Texas, subsequent
23 to this rescinsion (sic), they in fact relicensed that radio
24 station at Canton, Texas. It's a parallel situation.

25 Q No, Mr. Werlinger, I'm going to object to that as

1 nonresponsive because you have answered that once earlier
2 and now I'm not even sure what answer you're giving me.

3 A Ask me what you don't understand and I will
4 attempt to clarify it.

5 Q Very easily, KVCII STA when filed did not reference
6 a lost site?

7 A No, it did not.

8 Q It did not contain any information about a lost
9 site?

10 A Did not.

11 Q In fact, it was subsequently -- when it was
12 granted it was based on the fact that there was a lost site,
13 that was never corrected by you. That's what you testified
14 to earlier.

15 A That's correct. That's correct.

16 Q Why don't we return -- let's return back to Bay
17 City.

18 On March 2, '95, filed an amended STA showing --
19 purporting -- on May 2, '95, you filed an amended STA
20 reflecting an existing tower, what appeared to be a
21 different spot?

22 A It was a different spot.

23 Q Okay. Absolutely, it was. I agree with that.

24 And where a tower at one spot didn't exist now we
25 have an existing tower at another spot, and you did not --

1 you testified that you did not disclose to the Commission
2 that you were instrumental in building that tower?

3 A I did not.

4 Q But you now testified you in fact were
5 instrumental in building it?

6 A Yes, I did. Yes, I was.

7 Q And, in fact, if it weren't for you the tower
8 wouldn't have been built?

9 A That's correct.

10 Q And you now own the tower?

11 A I do now own the tower.

12 Q What did you -- what did you think Mr. Vu, in your
13 opinion, what did you think Mr. Vu meant by no new
14 construction?

15 A Mr. Vu meant, I think, I don't know, I still think
16 --

17 Q Well, I just want your understanding.

18 A My understanding was that he was saying to me, "I,
19 John Vu, cannot, will not" he thought "cannot." "I will not
20 grant construction of a new tower for use on an STA site."

21 Q And what did you think -- what did you think he
22 meant by "construction of a new tower"?

23 A I thought he meant construction of a new broadcast
24 tower.

25 Q And what was -- and what did you do?

1 A I build a nonbroadcast tower. It was only after
2 the STA was granted that that folded unipole was hung on
3 that tower. It was only after the STA was granted that that
4 tower was made ready for broadcast, and it was only after
5 the STA was granted that the ground system was installed.

6 JUDGE CHACHKIN: But it you was your intention at
7 the time that you had contracted for this tower that you
8 were going to use this tower for an STA, once the STA was
9 granted?

10 THE WITNESS: Without question, Your Honor.

11 BY MR. ARONOWITZ:

12 Q And it was going to be a broadcast tower at that
13 time?

14 A Right, but it was not constructed as a broadcast
15 tower. It was converted to broadcast tower, to broadcast
16 use after the grant of the STA.

17 JUDGE CHACHKIN: And you don't consider that to be
18 a new tower?

19 THE WITNESS: It was a new tower, Your Honor. But
20 I was at risk. If the STA wasn't granted, the man who built
21 the tower was at risk of having a tower for which he would
22 then have to go find nonbroadcast tenants to be on the
23 tower.

24 JUDGE CHACHKIN: But it was a new tower. You
25 understood this to be a new tower

1 THE WITNESS: No question.

2 JUDGE CHACHKIN: It wasn't an existing tower. It
3 was a new tower.

4 THE WITNESS: It was a brand new tower, yes, sir.

5 JUDGE CHACHKIN: And you didn't understand that to
6 mean that that was in contravention of what Mr. Vu said
7 about constructing a new tower?

8 THE WITNESS: Mr. Vu said, "I cannot," I mean,
9 no. I made -- I was attempting to comply with the rules as
10 I understood them.

11 JUDGE CHACHKIN: What rule is that?

12 THE WITNESS: I can't grant construction of a new
13 broadcast tower. So we will build a nonbroadcast tower.
14 And once we get the STA, assuming we get the STA, will
15 convert it. But if we don't get the STA, there is a tower
16 there for which clients must be found.

17 BY MR. ARONOWITZ:

18 Q Mr. Werlinger, maybe -- let me ask it this way.
19 We previously read a statement and you testified to, "And it
20 was only after very careful consideration that Mr. Werlinger
21 made the decision to disregard Mr. Vu's order."

22 What order were you disregarding?

23 A Well, the word "order" probably should have been
24 used. He simply said, "I'm not going to grant construction
25 of a new broadcast tower." I went around --

1 Q And what did you disregard? What was it that you
2 were disregarding?

3 A Nothing, I guess. I built a tower. On that very
4 same page I made it very clear --

5 Q But in any event --

6 A -- that that tower was built, and that if we
7 didn't get an STA, that that tower would just be there and
8 there would have --

9 Q And that wasn't disclosed? None of that was
10 disclosed to the Commission?

11 A No, sir.

12 Q Okay. So rather than -- you disagreed with Mr.
13 Vu, you made your case, you were unsuccessful in making your
14 case, and then you just kind of disregarded or you followed
15 the literal --

16 JUDGE CHACHKIN: Well, he said "worked around it."

17 BY MR. ARONOWITZ:

18 Q Worked around the rules, and that's how this tower
19 came to be?

20 A Yes, sir.

21 Q But you didn't disclose it?

22 A No, sir.

23 Q Do you feel that if you had disclosed it, that
24 would have violated Mr. Vu's policy --

25 A I don't know.

1 JUDGE CHACHKIN: Do you feel Mr. Vu would have
2 granted it if you had disclosed it?

3 THE WITNESS: I --

4 JUDGE CHACHKIN: Do you feel Mr. Vu would have
5 granted you authority if you had disclosed all the facts to
6 him?

7 THE WITNESS: I don't know, Your Honor. I know
8 this. I know that it's very clear, and -- very clear from
9 the amended application that 250 feet away from where I
10 proposed to build the tower, a week later I was saying,
11 "Here is the tower," or two weeks. I don't remember the
12 exact number of days.

13 BY MR. ARONOWITZ:

14 Q But it looked like a separate site. In other
15 words --

16 A No, sir. It was 250 feet away.

17 Q The first spot, using your terminology, had no
18 tower.

19 A That's correct.

20 Q The second spot had a tower.

21 A If I were John Vu I would have thought, golly, I
22 wonder why this tower is here.

23 JUDGE CHACHKIN: So you mean he doesn't have a
24 right to rely on representations of the applicant?

25 THE WITNESS: My representation was -- was

1 forthright. There was a tower there, Your Honor.

2 MR. ARONOWITZ: Well --

3 JUDGE CHACHKIN: Well, you just said that he
4 should have somehow been -- he should have known that what
5 you're saying is not exactly being candid, and somehow he
6 should have checked further. So I ask you again, does he
7 have a right to rely on the representations of the applicant
8 when the applicant says --

9 THE WITNESS: There is a tower there?

10 JUDGE CHACHKIN: -- that there was a tower at a
11 distance, at another point on this piece of property?

12 THE WITNESS: I was not -- there was, the tower
13 was there.

14 JUDGE CHACHKIN: And you don't think he has a
15 right to rely on the representation of the applicant, and he
16 has to go beyond it and then question further as to where
17 this second tower came from? Do you think that's the
18 responsibility of the Commission staff?

19 THE WITNESS: Your Honor, I -- we constructed a
20 nonbroadcast tower.

21 JUDGE CHACHKIN: Whatever you want to call it, do
22 you think it was his responsibility to inquire further
23 because you --

24 THE WITNESS: No, sir, it was not.

25 JUDGE CHACHKIN: -- went around the rules and --

1 THE WITNESS: No, sir, it was not his
2 responsibility.

3 JUDGE CHACHKIN: And he has a right to rely on
4 what you say.

5 THE WITNESS: Yes, sir, he does.

6 JUDGE CHACHKIN: And you had a duty, did you not,
7 to disclose all the facts to him and then let him make a
8 decision whether or not he was going to approve what you
9 call this nonbroadcast tower? Isn't that true?

10 THE WITNESS: I had a duty to represent, Your
11 Honor, that there was a tower there.

12 JUDGE CHACHKIN: And you had a duty to also
13 represent that you were instrumental in this tower being
14 there, this new tower being there, did you not, in order for
15 him to make a decision as to whether or not he should
16 authorize -- the STA should be authorized, did you not?

17 THE WITNESS: Well, Your Honor, if that tower was
18 XYZ Cablevision tower.

19 BY MR. ARONOWITZ:

20 Q But it wasn't, it was your tower.

21 A Well, he wouldn't have asked anyway. Should I
22 have said to him this is X -- I mean, you are putting an
23 onus on me that would not have been there in any other case.

24 JUDGE CHACHKIN: Well, shouldn't you have said to
25 him, "These are the facts. I'm not going to build the new

1 tower, broadcast tower, but I'm going to have a tower built
2 which may later on be used for a broadcast tower if the STA
3 is granted. Now, is that all right?"

4 THE WITNESS: In retrospect, Your Honor, I
5 probably should have said that.

6 JUDGE CHACHKIN: And if you said that, do you
7 really believe that he would have approved it?

8 THE WITNESS: Yes, I believe he might very well
9 have. I had no way to believe that he would grant the one
10 that I presented to him.

11 JUDGE CHACHKIN: Go ahead, counsel.

12 BY MR. ARONOWITZ:

13 Q Is there anything in the May 2, 1995, amended STA
14 request to disclose that the two different spots were really
15 the same piece of land? Is there anything in the document?

16 A The coordinates.

17 Q The coordinates appear to be different.

18 A Mr. Aronowitz, if you were in the field of
19 engineering, i.e., perhaps an FCC employee, just a tertiary
20 glance at the map that was included would tell you that
21 those two towers were almost adjacent to each other.

22 Q Would it? Was there anything to disclose they
23 were on the same parcel of land? Was there anything to
24 disclose that they were on the same parcel of land?

25 A I discussed it with Mr. Vu.

1 Q On the face of the STA request?

2 A No. But I did discuss it with him.

3 Q Was there anything that suggested these were the
4 same tower that you were referring to in the same --

5 A No, he knew it was a different tower.

6 Q Was there anything on the application that
7 disclosed that this was the same parcel of land or the same
8 tower? Is there anything on the face of the application
9 that said that?

10 A There were two different spots, existing tower
11 proposed tower.

12 Q And those look like two different spots?

13 A They sure enough did.

14 Q All right. And there was nothing to suggest they
15 were the same spot?

16 A They weren't the same spot.

17 Q So they were two different spots?

18 A Sure.

19 Q One without a tower and one with a tower?

20 A Right.

21 Q And there was nothing to explain so that when the
22 5-2-95 amended STA comes in an engineer under the employ of
23 the FCC with coordinate training might turn around and say,
24 "Here is one set of coordinates and here is one spot of
25 land. Here is another set of coordinates, here is another

1 spot of land. There is nothing here that tells me it's the
2 same part of land. These must be two different spots."

3 Is that correct?

4 A They are two different spots.

5 Q One with a tower, one without a tower.

6 A Yes, sir.

7 Q And by that you were attempting to demonstrate
8 compliance with Vu's policy as you understood it. Whether
9 you agreed with it or not, the 5-2-95 amended STA is
10 attempting to demonstrate compliance with the policy that Vu
11 explained to you it would not allow new construction on an
12 STA?

13 A Yes, sir.

14 Q That was what you were attempting to do --

15 A Yes, sir.

16 Q -- on the 5-2-95 --

17 A That's what I was doing.

18 Q And in an STA application, are you aware that an
19 STA application must describe fully the facts supporting the
20 need for the STA? Are you aware of that?

21 A I'm sorry. What?

22 Q Are you aware of the requirements that in an STA
23 request explain fully all the circumstances leading to the
24 need for an STA?

25 A No, sir. I have never explained top to bottom